

## **NEW YORK**

### **I. Statutory Scheme**

- In the New York 911 law, the New York State Legislature authorizes and empowers any municipality of New York to impose a 911 surcharge to establish and maintain an E911 system.

### **II. Definitions**

- "Service supplier" means a telephone corporation that provides local exchange access service within a 911 service area.
- "Cellular telephone" means a cellular mobile radio telephone or other radio telephone not requiring an access line for service.
- "Cellular telephone service supplier" means a business entity that provides cellular telephone service within New York State.

### **III. Requirements**

- All service suppliers must collect a monthly surcharge not to exceed \$.35 per line, which should then be remitted to the municipality's chief fiscal officer, less 2% to cover administrative costs.
- All cellular telephone service suppliers must collect a monthly surcharge not to exceed \$.70 per line, which should then be remitted to the municipality's division of state police, less 2% to cover administrative costs.

### **IV. Application to Maritel**

- There is no explicit requirement for any telephone company in New York, including Maritel, to provide 911 access for its customers.
- Because it may be a cellular telephone service provider, Maritel apparently must collect \$.70 per line and remit the gross surcharges to the respective municipality's division of state police.

## **NORTH CAROLINA**

### **I. Statutory Scheme**

- In its 911 statute, the North Carolina General Assembly 911 statute declares it to be in the public interest to provide a toll free number through which an individual can gain rapid, direct access to public safety aid.
- The law further establishes a Wireless 911 Board charged with various regulatory duties, among them collecting a service charge from Commercial Mobile Radio Service ("CMRS") providers for each CMRS connection.

### **II. Definitions**

- North Carolina law defines "CMRS" to include any wireless, two-way voice communication device.
- "CMRS provider" means an entity licensed by the FCC to provide CMRS service or an entity that is reselling CMRS service.

### **III. Requirements**

- Under North Carolina law, the Wireless 911 Board must levy a monthly wireless Enhanced 911 service charge not to exceed \$.80 from each CMRS connection.

### **IV. Application to Maritel**

- The state law says that the state will provide for an emergency response system. There is no requirement that Maritel utilize it.
- Maritel qualifies as a CMRS provider under North Carolina law. The law states that "[t]he Board shall levy a monthly wireless Enhanced 911 service charge on each CMRS connection." Despite the fact that Maritel does not provide a wireless 911 system, Maritel does have CMRS connections and, under the precise wording of the statute, will apparently be responsible for paying the monthly fee.

## **NORTH DAKOTA**

### **I. Statutory Scheme**

- The North Dakota Code regarding 911 use states that in accordance with certain requirements, the governing body of a county or city may impose an excise tax on the use of telephone access lines to fund a 911 emergency response system.

### **II. Definitions**

- “Telephone access line” means the principal access to the telephone company's switched network including an outward dialed trunk or access register.

### **III. Requirements**

- The governing body of a county or city may impose an excise tax on the use of telephone access lines. Telephone companies are required to collect from subscribers a ballot-authorized 911 surcharge not to exceed \$1.00 per telephone access line.

### **IV. Application to Maritel**

- There are apparently no requirements for Maritel to provide 911 services.
- North Dakota’s definition of “telephone access line” is too vague to allow Maritel to determine whether it maintains them. Thus, it is unclear as to whether Maritel has any customers to collect excise taxes or surcharges from.

## **OHIO**

### **I. Statutory Scheme**

- The Ohio Code dictates the standards under which local exchange telephone services would be required to maintain 911 services. It also creates organizational mechanisms to charge and collect fees to support the 911 system.

### **II. Definitions**

- A “telephone company” is a company engaged in the business of providing local exchange telephone service.

### **III. Requirements**

- A county planning committee’s proposal, and final plan adopted by the committee, must specify which telephone companies serving customers in the county will participate in the 911 system. A telephone company that is not capable of reasonably meeting the technical and economic requirements of providing the telephone network portion of the countywide system for that territory is not required to provide 911 access.
- Only the customers of a participating telephone company that are served within the area covered by a 911 system are required to pay the 911 service charge to be determined by population and cost factors. The telephone company must then remit the money to the county on a quarterly basis, less 3% to cover the company’s collection costs.

### **IV. Application to Maritel**

- Maritel is not a telephone company as defined by the Ohio Code and is apparently not required to participate in the 911 system.
- Because Maritel is not a telephone company, its customers will apparently not be charged the 911 fee and Maritel will not have to collect any fees.

## **OKLAHOMA**

### **I. Statutory Scheme**

- The Oklahoma statute establishes 911 as the primary emergency telephone number for use in Oklahoma. The statute also provides the means to collect funds to support emergency services.

### **II. Definitions**

- "Local exchange telephone company" means any company providing exchange telephone services to any service user in this state.
- "Wireless service provider" means a provider of commercial mobile service. The term does not include a provider of a service whose users do not have access to 911 service.

### **III. Requirements**

- All local exchange companies, and wireless and other telephone service companies providing service to users in an area in which 911 emergency telephone service is currently operating must also provide emergency telephone service to all subscribing service users in that area.
- All local exchange companies must collect 911 surcharges not to exceed 5% of the tariff rate and remit the gross to the state.

### **IV. Application to Maritel**

- Maritel must apparently provide 911 services in areas where 911 emergency telephone services are currently operating.
- If Maritel is considered to provide exchange telephone services in Oklahoma, then it apparently is required to collect 911 surcharges from its customers and remit them to the state. However, it is unclear whether Maritel is part of Oklahoma's exchange.

## **OREGON**

### **I. Statutory Scheme**

- Oregon's Emergency Telephone Systems law regulates 911 emergency reporting systems operating within the state.

### **II. Definitions**

- Oregon law defines "provider" to mean a supplier of telecommunications service with access to the 911 emergency reporting system through wired or wireless means.

### **III. Requirements**

- The primary emergency telephone number within the state is 911
- Oregon law imposes a tax on every wireless telecommunications subscriber with access to the 911 emergency reporting system. The tax is imposed on a per wireless instrument basis. The provider is responsible for collecting the tax, and shall remit it to the Department of Revenue.

### **IV. Application to Maritel**

- Maritel must apparently provide 911 services in areas where there is access to 911 services.
- In those areas, Maritel must apparently collect taxes from its customers and remit them to the Department of Revenue.

## **PENNSYLVANIA**

### **I. Statutory Scheme**

- Pennsylvania law regulates the provision of 911 service by local exchange telephone services. There are no laws or regulations aimed specifically at wireless providers.

### **II. Definitions**

- Pennsylvania law uses the term “contribution rate” to describe the fee assessed against a telephone subscriber in order to pay for the operating costs of a 911 system.
- “Local exchange telephone service” provides users with telephonic message transmission within an exchange.
- A “telephone subscriber” is a person who contracts with a telephone company for local exchange service.

### **III. Requirements**

- Pennsylvania law requires local exchange telephone service providers to collect a 911 contribution fee from telephone subscribers.

### **IV. Application to Maritel**

- Maritel is apparently not required to reserve the 911 phone number for emergency services because Pennsylvania law only regulates local exchange telephone service.
- Maritel is not a local exchange telephone service, and, therefore, is apparently not responsible for collecting a contribution fee from its Pennsylvania subscribers.

## **PUERTO RICO**

### **I. Statutory Scheme**

- Puerto Rico's law authorizes a 911 Service Governing Board to establish fees, and to create and coordinate 911 operations in Puerto Rico.

### **II. Definitions**

- Not available.

### **III. Requirements**

- Telephone companies may be required to provide 911 services to its customers if the Board adopts such regulations.
- Telephone companies are required to collect charges for 911 services, not to exceed \$.50 a month per residential line and \$1.00 a month per commercial line. The Board must reimburse the net cost of billing and collection of charges to the telephone companies.

### **IV. Application to Maritel**

- Maritel's responsibility to provide 911 access to its customers depends upon the decision of the Board.
- If Maritel is considered a "telephone company" in Puerto Rico, it is apparently required to collect 911 service charges from its customers and to remit them to the Board. Maritel will have all collection costs reimbursed to them by the Board.



## **RHODE ISLAND**

### **I. Statutory Scheme**

- Rhode Island's 911 Emergency Telephone Number Act regulates the provision of E-911 telecommunications services within the state with the purpose of establishing 911 as the primary emergency telephone number for use in Rhode Island.

### **II. Definitions**

- "Telecommunication services providers" provide communications services for profit by means of landline local telephone exchange devices or wireless devices that have access to, connect with, or interface with the E911 uniform emergency telephone system. Telecommunication service provider includes "telephone common carrier," "communications common carrier," "telephone companies," and "common carrier."
- "Telephone common carriers" are those which provide communications services for profit between a point of origin and a point of reception by way of a land-line wire connection between the two (2) points.
- "Communications common carriers" are those which provides communications services for profit by way of wire or radio.
- "Communications services" means the transmission of sounds, messages, data, information, codes, or signals between a point or points of origin and a point or points of reception.

### **III. Requirements**

- All telecommunication service providers who operate within Rhode Island are required to provide access to the E911 uniform emergency telephone system.
- Rhode Island law requires each telecommunications subscriber to pay a monthly surcharge of \$.47 to the telecommunications service provider. The provider then transfers the fee to the state's communication services.

### **IV. Application to Maritel**

- Maritel must apparently provide access to the E911 uniform emergency telephone system in Rhode Island because it is a telecommunications service provider. Telecommunications service providers must provide E911 access to its subscribers.
- Maritel apparently fits Rhode Island's description of a telecommunications service provider, because Maritel's subscribers have access to the state's E 911 service. Accordingly, Maritel is responsible for collecting the monthly surcharge from subscribers.

## **SOUTH CAROLINA**

### **I. Statutory Scheme**

- South Carolina law creates a Commercial Mobile Radio Service ("CMRS") Telephone Advisory Committee charged with various regulatory duties, among them implementing a wireless enhanced 911 service and administering a CMRS 911 charge.

### **II. Definitions**

- South Carolina law defines "Commercial Mobile Radio Service" ("CMRS") to include wireless two-way communication devices, as long as the service provides access to 911 service.
- "Service supplier" means any person, company, or corporation, public or private, providing exchange telephone service or CMRS service to end users.

### **III. Requirements**

- South Carolina law imposes a CMRS 911 charge on each CMRS connection with a South Carolina area code. Service suppliers must collect 911 charges on behalf of the local government, but are entitled to retain 2% of the gross 911 charges as an administrative fee.

### **IV. Application to Maritel**

- Maritel must apparently provide 911 services in areas where 911 emergency telephone services are currently operating.
- If Maritel is considered to provide exchange telephone services in South Carolina, then it is apparently required to collect 911 surcharges from its customers and remit those surcharges to the state.

## **SOUTH DAKOTA**

### **I. Statutory Scheme**

- South Dakota law authorizes the governing body of a public corporation to create a 911 emergency reporting system by ordinance. The ordinance must include a description of the proposed 911 service area and the maximum surcharge amount.

### **II. Definitions**

- South Dakota law defines a "local exchange access company" as any franchised telephone company engaged in providing telecommunications services between points within a local calling area.
- According to South Dakota law, "local exchange access lines" are any telephone lines or cellular telephones that connect a telephone subscriber to the local switching office and has the capability of reaching local public safety service agencies.
- A "service supplier" is any person or entity who provides or offers to provide 911 system equipment, installation, maintenance, or exchange access services within the 911 service access area.

### **III. Requirements**

- The governing body may impose a monthly uniform charge in an amount not to exceed \$.75 per line on each local exchange access line of the governing body's jurisdiction for which the 911 system will be provided. In counties where no 911 system exists, only \$.01 will be charged per line. These surcharges are to be remitted to the governing body quarterly, while the service supplier may retain 1% of the collected amount or \$25, whichever amount is greater, each month.

### **IV. Application to Maritel**

- Maritel is apparently not required to provide a 911 system to its users.
- Maritel is apparently required to collect fees and remit them to the local authorities.

## **TENNESSEE**

### **I. Statutory Scheme**

- The general assembly finds and declares that the establishment of 911 as the uniform emergency number.

### **II. Definitions**

- According to the Tennessee Code, "Exchange access facilities" means all lines, provided by the service supplier for the provision of exchange telephone service, as defined in existing general subscriber services tariffs filed by the service supplier with the Tennessee regulatory authority.
- "Service supplier" means any person, corporation or entity providing exchange telephone service to any service user.
- According to a recent amendment to the Tennessee Code, "commercial mobile radio service" includes service provided by any wireless two-way communication device.

### **III. Requirements**

- All subscribers and users of commercial mobile radio service should share equally in the benefit of 911 service and should participate in the funding thereof.
- Each CMRS provider shall bill and collect a 911 service charge not to exceed \$1.50 per month for residence-classification service users, and not to exceed \$3.00 per month for business-classification service users. The CMRS provider must remit the gross charges, less 3% for administrative costs, to the emergency communications district's board of directors.

### **IV. Application to Maritel**

- As a CMRS provider in Tennessee, Maritel must apparently utilize the 911 system.
- Maritel must apparently act as a collector of 911 charges from its customers and then remit the funds to the local board of directors.

## **TEXAS**

### **I. Statutory Scheme**

- To facilitate public safety services using a 911 emergency telephone number.
- The law creates a Commission on State Emergency Communications responsible for, among other things, collecting a 911 emergency service fee from wireless providers.

### **II. Definitions**

- Texas law defines a “wireless service provider” as a provider of commercial mobile service, such as a wireless two-way communication service, whose users have access to 911 service.

### **III. Requirements**

- To facilitate public safety services, Texas made 911 the primary emergency telephone number in counties with over twenty thousand inhabitants.
- Under Texas law, a wireless service provider must collect a 911 emergency service fee of \$.50 per month per connection from each of its users, and pay that fee to the Commission on State Emergency Communications, less 1% for the provider’s own costs in administering the collection of the fees.

### **IV. Application to Maritel**

- Maritel must apparently utilize the 911 service because it is the primary emergency telephone number in most districts in Texas.
- Maritel does not provide its users with a 911 service, since Maritel’s users do not dial the digits “911” in an emergency situation. Rather, Maritel’s operators connect users with the Coast Guard. Accordingly, Maritel does not apparently meet the definition of “wireless service provider” under Texas law, and Maritel is not responsible for collecting a fee from its users.

## **VERMONT**

### **I. Statutory Scheme**

- Vermont law authorizes the Vermont enhanced 911 board to facilitate the creation and maintenance of 911 services.

### **II. Definitions**

- Not available.

### **III. Requirements**

- When the enhanced 911 system is fully implemented, the Vermont enhanced 911 board must ensure that all telephones in all communities are or can be selectively routed to one or more public safety answering points.
- When an enhanced 911 system is implemented, any privately owned telephone system must provide to those end users the same level of 911 service that other end users in the area receive

### **IV. Application to Maritel**

- Maritel must apparently implement access to a 911 system for its customers.
- Because the 911 system in Vermont is funded by the universal service fiscal agent, state and federal funds, and certain taxes and gifts, Maritel's customers are apparently not required to pay 911 surcharges through their phone bills and Maritel does not have to collect those surcharges.

## **VIRGINIA**

### **I. Statutory Scheme**

Virginia law regulates the provision of wireless E-911 service within the state.

### **II. Definitions**

- Virginia law defines commercial mobile radio service ("CMRS") to include a wireless, real time, two-way voice communication device.
- A "CMRS provider" is defined as an entity authorized to provide CMRS service within Virginia by the Federal Communications Commission.

### **III. Requirements**

- The digits 911 are the designated emergency telephone number in Virginia.
- Virginia law requires CMRS providers to collect a wireless E911 surcharge from each customer with a billing address in Virginia. The surcharge is paid into the Wireless E911 Fund.

### **IV. Application to Maritel**

- Maritel is apparently required to connect its customers to emergency services whenever they dial 911.
- Maritel is a CMRS provider and, therefore, is apparently responsible for collecting a wireless E911 surcharge from each of its Virginia customers.

## **WASHINGTON**

### **I. Statutory Scheme**

- Washington law regulates the provision of enhanced 911 service within the state. The state funds the 911 service, in part, by means of an excise tax imposed on subscribers of radio communications service.

### **II. Definitions**

- Washington law defines "radio communications service company" to include a company that provides radio communications service or cellular communications service for hire, sale or resale.
- "Radio access line" is defined as the telephone number, available for hire to the public from a radio communications service company, and assigned to a subscriber for two-way local wireless voice service.

### **III. Requirements**

- The law empowers the legislative authority of a county to impose a 911 tax on the use of radio access lines located within the county, to be collected by the radio communications service company. The tax may not exceed \$.25 per month for each radio access line.

### **IV. Application to Maritel**

- Maritel is apparently under no obligation to make 911 services available to its customers.
- Under Washington law, Maritel is apparently a radio communications service company providing access to radio access lines. Accordingly, if a local authority has imposed an excise tax, Maritel is apparently responsible for collecting the tax from subscribers.



## **WEST VIRGINIA**

### **I. Statutory Scheme**

- West Virginia's Code delegates responsibility for the creation of 911 systems to local governments.

### **II. Definitions**

- "Commercial mobile radio service provider" or "CMRS provider", means those services which offer real-time, two-way switched voice service that is interconnected with the public switched network.
- "Telephone company" means any public utility and any CMRS provider, which is engaged in the provision of telephone service whether primarily by means of wire or wireless facilities.

### **III. Requirements**

- The primary emergency telephone number to the extent possible shall be uniform throughout the state. Each county commission shall adopt a proposal and final plan that will specify which telephone companies serving customers in the county will participate in the system.
- All CMRS providers are required, on a monthly basis, to collect from each of their in-state two-way service subscribers a wireless enhanced 911 fee of \$.75. The CMRS providers shall, after retaining a 3% billing fee, send the wireless enhanced 911 fee monies collected, on a monthly basis, to the public service commission.

### **IV. Application to Maritel**

- Maritel's responsibility to utilize a 911 system apparently depends upon the decisions of each individual county commission.
- Maritel is apparently required to collect and remit a wireless enhanced fee from its customers to West Virginia's public service commission.

## **WISCONSIN**

### **I. Statutory Scheme**

- Wisconsin law provides for the creation and funding of a 911 emergency response system.

### **II. Definitions**

- "Service supplier" means a telecommunications utility, which provides exchange telephone service within a county.
- The Wisconsin 911 Statute states that a "cellular mobile radio telecommunications utility" has the meaning given in § 196.202 (1). Unfortunately, § 196.202 (1) ceases to exist. Instead, PSC 172.02(1) defines "cellular mobile radio telecommunications utility" as "a person authorized by the federal communications commission to provide domestic public cellular radio telecommunications service under 47 USC 154 (i)."

### **III. Requirements**

- The digits "911" are required to be the primary emergency telephone number within every basic or sophisticated telephone system in Wisconsin. A cellular mobile radio telecommunications utility must permit a user of the utility to access a basic or sophisticated system if the utility operates within the boundaries of a system.
- Service suppliers must bill and collect monthly 911 surcharges that, depending upon the county's population, range between \$.25 and \$1.00 on each exchange access line or its equivalent in the county.

### **IV. Application to Maritel**

- Maritel is most likely required to incorporate the 911 system into its network. Even though the Wisconsin statute has not been edited correctly, Maritel would most probably be categorized as a cellular mobile radio telecommunications facility, thus subjecting it to Wisconsin's 911 regulations.
- Maritel is apparently considered a service supplier in Wisconsin. Therefore, it must facilitate the collection of 911 surcharges and remit them to the county commission.